



## FREDERICK COUNTY PLANNING COMMISSION

### September 13, 2017

**TITLE:** Tree Trekkers Outdoor Adventure Facility

**FILE NUMBER:** SP-17-01, AP 17205 (APFO 17206, FRO 17207, SWM 17668)

**REQUEST:** Site Development Plan Approval

The Applicant is requesting site development plan approval for the construction of an Outdoor Sports Recreation Facility (recreational obstacles, pavilions, office and storage buildings) on a 28.9-acre site.

### PROJECT INFORMATION:

ADDRESS/LOCATION: Old National Pike, 1,760 feet east of Terra Firma Road  
TAX MAP/PARCEL: Tax Map 78, Parcel 16  
COMP. PLAN: Natural Resource (NR)  
ZONING: Agricultural (Ag)  
PLANNING REGION: New Market  
WATER/SEWER: No Planned Service (NPS)

### APPLICANT/REPRESENTATIVES:

APPLICANT: Tree Trekkers Frederick, LLC  
OWNER: Margaret Taylor/Valerie Williams  
ENGINEER: Lavelle & Associates, Inc.  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Tim Goodfellow, Principal Planner II

### RECOMMENDATION:

Conditional Approval

### ATTACHMENTS:

Exhibit 1- Tree Trekkers Site Plan Rendering  
Exhibit 2- Parking Lot Modification Requests  
Exhibit 3- FRO Modification Justification Letter for Specimen Tree Removal  
Exhibit 4- APFO Letter of Understanding (LOU)

## STAFF REPORT

### ISSUE

#### Development Request

The Applicant is requesting site development plan approval for the development of an outdoor aerial adventure park, which includes recreational obstacles such as ropes courses, zip lines, and climbing walls. The project will have a 900-square foot office building with an area for customer service, ticketing, and a restroom. Three (3) pavilions for customer gatherings and eating areas, a 720-square foot storage building, plus a 53 space (48 conventional spaces, 2 handicapped spaces and 3 bus parking spaces) parking lot(s) are also proposed. The proposed use is being reviewed as an Outdoor Sports/Recreation Facility under the heading of "*Commercial Amusements*" per §1-19-5.310 (Use Table) of the Zoning Ordinance and is a principal permitted use in the Agricultural (A) Zoning District subject to site development plan approval.

#### Zoning Ordinance Modification Requests:

1. §1-19-6.220A: The Applicant is seeking a parking space modification to permit a 16 space increase in the target number of parking spaces. The request is to allow 50 parking spaces, when the target number is 34 spaces for this commercial amusement.
2. §1-19-6.400D: The Applicant is seeking a modification to allow the site's existing canopy coverage to substitute for the parking lot canopy coverage and parking lot landscaping requirement.

### BACKGROUND

#### Development History

The site is a remainder parcel, created after 2 lots were subdivided in 1975 ("Hayes Tract") around existing dwellings dating from the 1940s, according to the State Department of Assessments and Taxation. Currently, the site contains no structures and is 100% forested.

Historical imagery (1952-1973) shows the property in agricultural use with the majority of the property cleared of woody vegetation with the notable exception of a narrow tree line that bisects the property in a north-south orientation, following a linear outcropping of rock. This landscape element remains an important and prominent feature in the design of the proposed development project.

The property is located within the Spring Ridge/Bartonsville Community Growth Area.

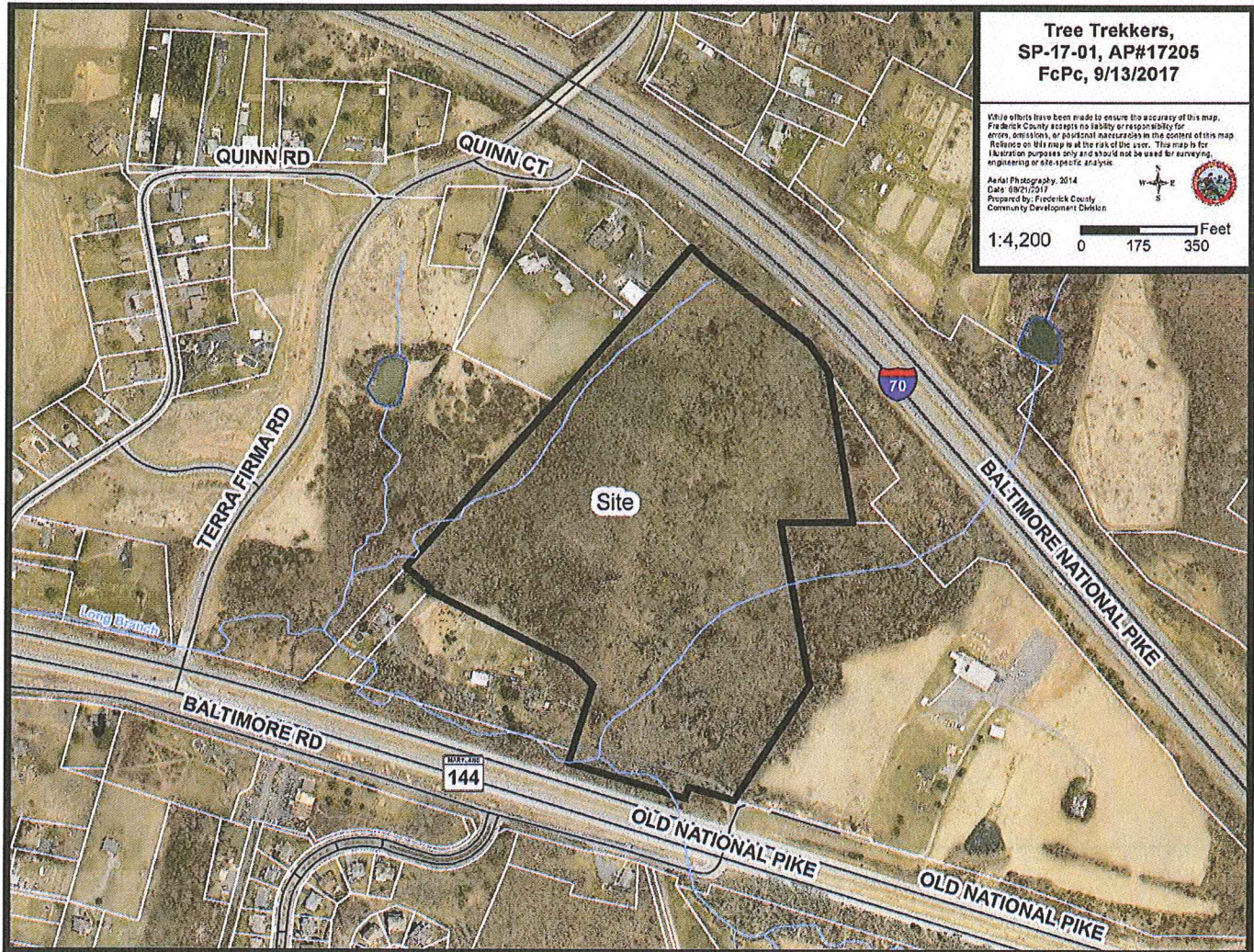
#### Existing Site Characteristics

The site is in a fully wooded condition, contains a portion of the mainstem of Long Branch, plus a tributary, a seepage/spring, wetlands, and FEMA 100-year floodplain. Steep and moderate slopes comprise approximately 40% of the site. Variation in the site's topography is dramatic, with elevation of 352' at the southern portion at Long Branch rising to nearly 480' at the property's summit. A linear complex of bedrock outcrops, located in the center of the property running north to south, is associated with a distinct concentration of specimen trees that spans the entire length of the subject property. These elements, along with the existing forest cover, are integral to the design and use of the site for the aerial adventure park.



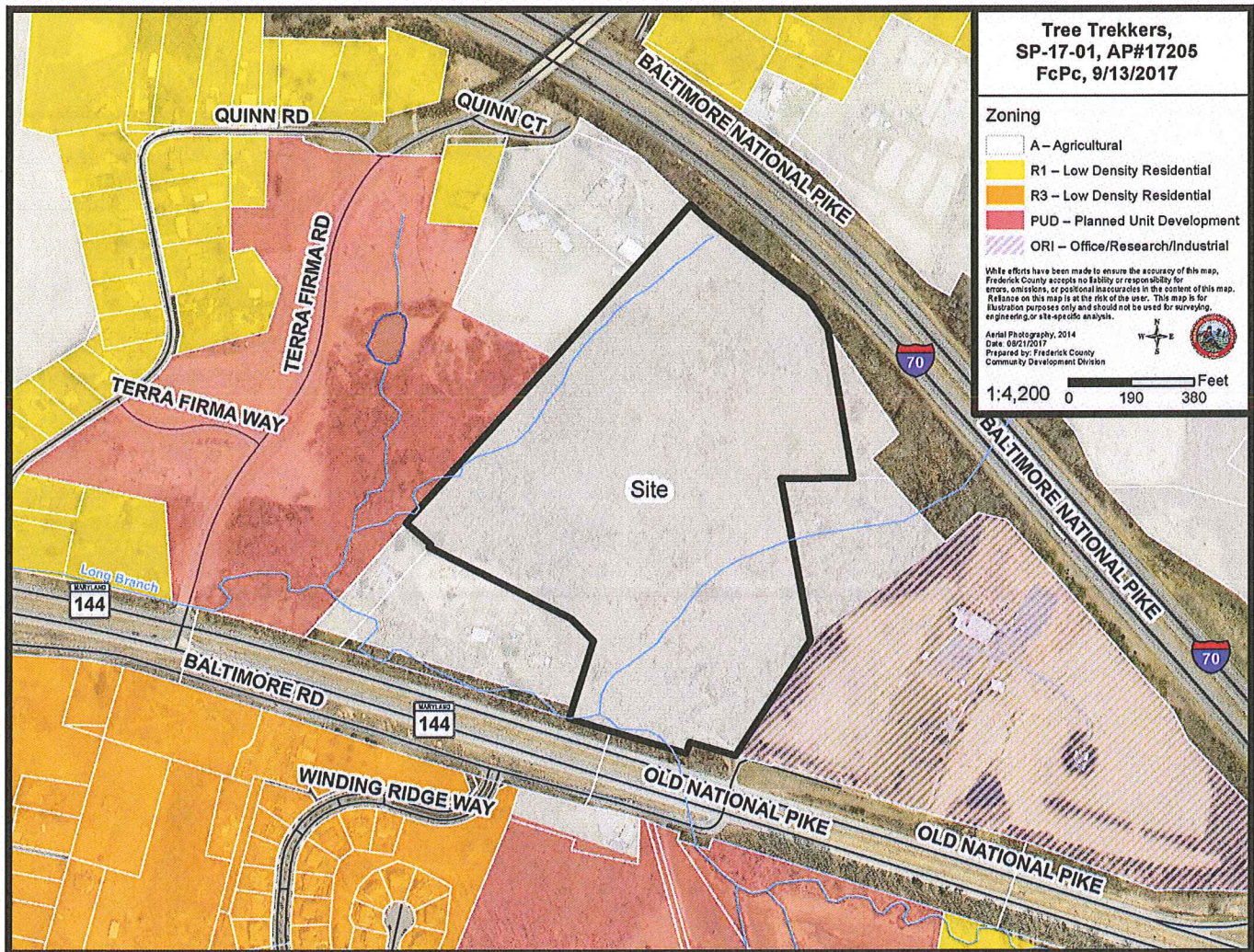
The property is situated between Interstate 70 and MD 144, with an entrance from MD 144 that is shared by the 3 adjacent properties. Adjoining the property to the east is the Amvets recreation facility, zoned Office/Research/Industrial. To the west of the subject property is a mixture of Agriculturally zoned properties and the Ridges at Long Branch, a 43-lot residential subdivision with PUD zoning.

Graphic #1: Site Aerial





Graphic #2 Site Zoning



## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The site's topography, forest cover, and landscape features are advantageous to the specific use being proposed by this plan. The primary issue associated with this project was ensuring that the transportation system serving the site is adequate to accommodate the proposed use, and that the plan provides safe and efficient access, circulation, and design.

### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of



lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

## **Findings/Conclusions**

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for commercial amusements in the Agricultural Zoning District.

The following dimensional characteristics are shown for the office building, storage building and pavilions. The setbacks for the main activity area also shown below. Site Plan Note #2 does not accurately list the building setbacks as depicted on the site plan. The correct building setbacks are shown below and must be revised on the site plan.

	<b><u>Required</u></b>	<b><u>Proposed (buildings)</u></b>	<b><u>Proposed (activity area)</u></b>
Minimum Lot Area	5 acres	29 acres	29 acres
Minimum Lot Width	200'	+/- 1,000'	+/- 1,000'
Front Yard	40'	540'	230'
Side Yard	50'	250'	50'
Rear Yard	50'	250'	300'
Max. Building Height	30'	16' and 18'	

- 2. Signage §1-19-6.300:** The Applicant is permitted to have one 25-square foot sign based on the provisions within section 1-19-6.320 of the Zoning Ordinance for business identification in the Agricultural zoning district. Site Plan Note #27 describes two (2) proposed signs for the site, which requires revision to indicate that just one identification sign for the use will be erected and that the future sign shall comply with §1-19-6.320 of the Zoning Ordinance. The maximum height for a sign described in this section is 15 feet, with property line setbacks at ½ the distance of the required yards. On-site directional signage, without business names or logos, used for on-site way-finding is permitted, but not included in calculating the maximum size sign permitted (Section 1-19-6.310 J).

- 3. Landscaping §1-19-6.400:** Limited, selective removal of individual trees is planned for the activity area, and the vast majority of the property will remain in a forested condition. The extensive forest cover that will be retained on the property will provide buffering and screening of the activity area and driveway from all property lines. A large portion of the State Highway Administration right-of-way that borders the northern property line is wooded; a 100-ft forest buffer exists between the pavement of I-70 and the northern property line.

The Applicant is requesting a modification to the requirement for landscaping in the parking area due to the retention of a large percentage of existing forest on the site, as indicated in Exhibit #2. Staff has no objection to the modification to the parking area landscaping requirement due to the extensive forest cover remaining on the site and near the parking area.

- 4. Lighting §1-19-6.500:** Site Plan Note #25 states that no lighting on site is proposed.



## **Condition**

1. Revise Site Plan Note #27 to indicate that all future signs shall comply with §1-19-6.300 through §1-19-6.320 of the Zoning Ordinance and that the site is limited to a maximum of one 25 square-foot sign with a maximum sign height of 15 feet and property line setbacks of ½ the distance of the required yards. The Applicant shall obtain an approved sign permit prior to construction of on-site signage.

***Transportation and Parking §1-19-3.300.4 (B):*** The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

## **Findings/Conclusions**

1. **Access/Circulation:** The site utilizes a shared entrance from MD 144, with an apron width varying between 18 feet and 20 feet. The access lane that serves the subject property is currently a 10-ft wide gravel driveway that also provides access to adjacent lots 1 and 2 (this access is described as a 20-ft. wide ingress and egress easement on the final plat for lots 1 and 2 of the Hayes Tract subdivision). This 10-ft. wide gravel access lane is proposed to be widened to 24 feet on the subject property from the MD 144 access to the location of the new 24-ft. driveway that will provide interior vehicular access to the parking and activity area. The site's entrance from MD 144 to the property line is proposed to be 30' wide.

The existing 10-ft. gravel access lane on the subject property crosses a culvert that carries a tributary to Long Branch under the access lane. The culvert is deteriorating and needs to be repaired, as determined by Staff from the County's Office of Highway Operations. Two (2) retaining walls are shown on the Plan to accommodate the widening of the access lane from 10 feet to 24 feet. Staff has concerns with the details, duration, and timing of the access lane's reconstruction and culvert repair and the ensuing impacts to the owners/residents of the adjacent houses. Site Plan Note #13 states that the Applicant will guarantee safe access for adjoining owners via the existing access lane in a "manner agreed upon by Frederick County." Planning Staff proposes a condition of approval for the Planning Commission to consider for this issue (See condition No. 2 and No. 3 on Page 7).

A new 24-ft. gravel internal driveway is proposed that will cross the property from the existing access lane to the northern portion of the site, providing access to the buildings, pavilions, parking lot, bus parking, loading area, and dumpster. In the northern portion of the site, a proposed 16' wide gravel driveway will operate in a counter-clockwise loop to provide access to the parking areas and will be connected to the site access via a 24' wide gravel driveway with two-way operation. Strategically placed 'do not enter' and 'one-way' signs will safely accommodate the traffic movement, drop-off, and parking configurations.

2. **Public Transit:** There is currently no public transit service to this area.
3. **Connectivity §1-19-6.200F:** Due to the rural nature of the site, characteristics of the proposed use and existing surrounding development patterns/land use, there is no new connection to adjacent parcels existing or proposed as part of this site plan. The site's development plan provides an internal circular flow for vehicles.



4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Per §1-19-6.200 of the Zoning Ordinance, the target number of parking spaces for commercial amusements is 1 parking space for each 5 person capacity. The Applicant states in Site Plan Note #5 that the total customer count will be 160 persons at peak times, with 7 employees, which results in a target number of 34 parking spaces ( $167/5=33.4$ ).

The main parking lot is shown with a gravel surface and 4 rows of spaces with 2-way internal vehicular movements. The other parking area—also gravel--provides three (3) 50'x15' bus parking spaces, one of which doubles as a loading space. Two handicapped parking spaces are shown with a paved concrete surface (see sheet 2 of plan) and are located closest to the identified activity area/park entrance, a pavilion, and adjacent to a 5-ft. sidewalk.

The Applicant has submitted a parking space modification request for approval to construct 50 parking spaces to accommodate customers who do not arrive by bus (See Exhibit #2). Staff has no objection to the modification request to provide 50 parking spaces, where the Zoning Ordinance target number is 34 parking spaces.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide 2 bike racks. A note indicating a singular 'bike rack' is labeled and shown adjacent to the main office building. The Site Plan must depict 2 bike racks and include a note stating that the bicycle parking shall comply with the standards of the Frederick County Bicycle Design Guide.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** A 5-ft. wide paved sidewalk is shown on the Plan originating at the main parking lot, extending south past the pavilions, main office building, bus and handicapped parking spaces to the activity area/park entrance.

### **Conditions**

1. Revise Site Plan Note #8 to indicate that a commercial entrance/access permit shall be obtained from the MD State Highway Administration and that all necessary improvements to the access apron shall be constructed prior to issuance of a grading permit.
2. Provide detailed plans to Planning Staff for "guaranteeing safe access" to the occupants of the houses on adjacent lots 1 and 2, including emergency vehicle access to lots 1 and 2, during the widening of the existing access lane, retaining wall construction, and culvert repair. This emergency access plan will be reviewed and approved by the Division of Fire and Rescue Services and the Office of Life Safety, and shall include an estimate of the duration of construction for: 1) widening the existing access lane from 10 feet to 24 feet; 2) installation of the retaining walls; 3) repair of the culvert.
3. Prior to signature approval, revise Site Plan Note #13 with details from the approved emergency access plan (as listed in Condition No. 2 above).
4. Prior to signature approval, depict 2 bike racks on the Plan and include a note that the bicycle parking shall comply with the standards of the Frederick County Bicycle Design Guide.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*



## **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by a private well and septic system and is classified No Planned Service (NPS) on the Water and Sewerage Plan. The Health Department has reviewed and conditionally approved the proposed site development plan.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

## **Findings/Conclusions**

1. **Topography:** The site contains steep and moderate slopes and a slight ridge with a linear row of rock outcroppings that bisects the property. The northern portions of the property are relatively flat, which are the locations of the proposed parking lots.
2. **Vegetation:** The site has 100% forest cover with 28 specimen trees on the property. The parking lots, driveway, and activity area will require clearing of 12 acres of existing forest. Although limited, selective removal of individual trees is planned for the approximately 7-acre activity area. The remaining areas of the 28.8 acre site will be placed in a forest conservation easement.
3. **Sensitive Resources:** The site contains a stream system, FEMA 100-year floodplain, wetlands, plus a small spring that originates at one of the rock outcrops.
4. **Natural Hazards:** There are no natural hazards other than FEMA floodplain located on this site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

## **Findings/Conclusions**

1. **Proposed Common Area:** The site will be under private ownership with no common areas or facilities.

## **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use is non-residential; therefore, MPDUs are not required.

**Stormwater Management – Chapter 1-15.2:** A combined stormwater concept/development plan is currently under review through AP 17668.

**APFO – Chapter 1-20:**



A Letter of Understanding (LOU) is attached (Exhibit No. 4) that sets forth the Applicant's obligations associated with the development as depicted on the plan.

1. **Schools.** Schools are not impacted because the development of the property is a non-residential use.
2. **Water/Sewer.** The property has a water and sewer classification of No Planned Service (NPS) on the County's Water and Sewerage Plan. The project will be served by a well and septic system.
3. **Roads.** Based upon a capacity of thirty customers per hour, the project is expected to generate 10 AM and 20 PM weekday peak hour driveway trips. In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the Developer shall pay into existing escrow accounts as described in the attached LOU, signed by the applicant.

#### **Forest Resource – Chapter 1-21:**

The Applicant has submitted a Forest Stand Delineation and Preliminary Forest Conservation Plan. The property contains 28.57 acres of existing forest. The Applicant proposes to clear 12.20 acres of forest (*although the Applicant does not intend to clear this amount of forest, any forest that is not protected with a perpetual forest easement is considered cleared for FRO calculation purposes*). The remaining 16.37 acres of forest will be placed under a perpetual forest conservation easement. The forest clearing generates a 1.11 acre reforestation requirement that will be met by planting 0.56 acres of forest on site and by providing 0.55 acres of forest banking credit.

The site contains 28 specimen trees (trees that are 30 inches or greater in diameter). Per §1-21-40 of the FRO, nonhazardous specimen trees must be retained unless reasonable efforts have been made to protect them, the plan cannot reasonably be altered, and the FCPC finds that that the requirements for granting a modification have been met.

The Applicant is seeking a modification of the FRO to permit the removal of 1 specimen tree; a 30-inch White Oak that is in good condition. This tree is located in the northwest corner of the property and will be impacted by the exterior drive aisle.

#### **§ 1-21-21. MODIFICATIONS.**

(A) Modification requests. A person may submit a request to the Frederick County Planning Commission (FCPC) for a modification from this chapter or the requirements of Md. Code Ann., Natural Resources Article, §§ 5-1601 through 5-1612, if the person demonstrates that enforcement would result in unwarranted hardship to the person.

(B) Required information. An applicant for a modification shall:

- (1) Describe the special conditions peculiar to the property that would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;
- (4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
- (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
- (6) Verify that the granting of a modification will not adversely affect water quality.

(C) Modification approval. The FCPC must make a finding that the applicant has met the requirements in subsection (B) of this section and that enforcement would cause the applicant unwarranted hardship before the FCPC may approve any modification.



The Applicant's FRO Modification Request (Exhibit #5) discusses why the removal of this tree is proposed and addresses the six criteria. In order for the FCPC to grant a modification to allow the removal of specimen trees, the FCPC must find;

- that reasonable efforts have been made to protect the specimen trees and that the plan cannot reasonably be altered (in accordance with § 1-21-40 (B)(1)), and;
- that the Applicant meets the six criteria outlined under §1-21-21 (B)

The Preliminary FRO plan must be approved prior to Site Plan approval. A Final FRO plan must be submitted and approved and FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

#### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<i>Development Review Engineering (DRE):</i>	Conditionally Approved
<i>Development Review Planning:</i>	Conditionally Approved
<i>State Highway Administration (SHA):</i>	Approved
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	N/A
<i>Health Dept.</i>	Conditionally Approved. Wells need to be drilled
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Conditionally Approved
<i>Historic Preservation</i>	N/A

### **RECOMMENDATION**

Staff has no objection to conditional approval of the site plan for the construction of a Outdoor Sports Recreation Facility on a 28.9-acre site. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and is therefore valid until September 13, 2020.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Planning Commission approval of the requested parking space modification per §1-19-6.220 to provide 16 additional parking spaces, above the target number of 34 per the Zoning Ordinance, for a total of 50 on-site parking spaces.
3. Planning Commission approval of the requested modification to allow the existing forest cover on site and near the parking areas to substitute for the parking lot landscaping standards contained in §1-19-6.400.



4. Planning Commission approval of the requested FRO modification to allow the removal of one specimen tree
5. Revise Site Plan Note #27 to indicate that all future signs shall comply with §1-19-6.300 through §1-19-6.320 of the Zoning Ordinance and that the site is limited to a maximum of one 25 square-foot business identification sign with a maximum sign height of 15 feet and property line setbacks of ½ the distance of the required yards. The Applicant shall obtain an approved sign permit prior to construction of on-site signage.
6. Revise Site Plan Note #8 to indicate that a commercial entrance/access permit shall be obtained from the MD State Highway Administration and that all necessary improvements to the access apron shall be constructed prior to issuance of a grading permit.
7. Prior to signature approval, revise Site Plan Note #13 with details from the approved emergency access plan as described below:  
Provide detailed plans to Planning Staff for "guaranteeing safe access" to the occupants of the houses on adjacent lots 1 and 2, including emergency vehicle access to lots 1 and 2, during the widening of the existing access lane, retaining wall construction, and culvert repair. This emergency access plan will be reviewed and approved by the Division of Fire and Rescue Services and the Office of Life Safety, and shall include an estimate of the duration of construction for: 1) widening the existing access lane from 10 feet to 24 feet; 2) installation of the retaining walls; 3) repair of the culvert.
8. Prior to signature approval, depict 2 bike racks on the Plan and include a note that the bicycle parking shall comply with the standards of the Frederick County Bicycle Design Guide.
9. The Preliminary FRO plan must be approved prior to Site Plan approval. A Final FRO plan must be submitted and approved and FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.
10. Prior to signature approval, provide "Do Not Enter" and "One Way" signs at the interior driveway split, south of the parking lot, where one-way operation is proposed, to the satisfaction of the County Traffic Engineer.
11. The Applicant shall fully execute the obligations within the Tree Trekkers APFO Letter of Understanding.
12. Prior to signature approval, revise Site Plan Note #2 to add the accurate building setback distances.



**PLANNING COMMISSION ACTION**  
**MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-17-01, AP 17205, including APFO approval, **with conditions and modifications** as listed in the staff report for the proposed construction of an Outdoor Sports Recreation Facility on a 28.9-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Exhibit #1 Tree Trekkers Site Plan Rendering





**Exhibit #2 - Parking Lot Modification Requests**

**Exhibit #3 - FRO Modification Justification Letter for Specimen Tree**

**Exhibit#4 - APFO Letter of Understanding**



**LAVELLE** & ASSOCIATES,  
INCORPORATED  
SURVEYORS · PLANNERS · CONSULTANTS

June 29, 2017

Tim Goodfellow  
Division of Planning and Permitting  
Frederick County, MD  
30 North Market Street  
Frederick, MD 21701

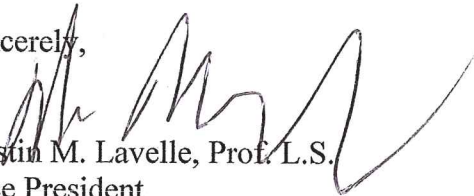
RE: **Tree Trekkers, (Project Number: 17205)**  
**Request for Parking Modification**

Mr. Goodfellow,

The proposed design for Tree Trekkers Project has been calculated to require 34 parking spaces. However, in the rare event that the majority of guests arrive via car instead of bus the Owners wish to have 50 parking spaces for the overflow. With a 167 person capacity, 50 spaces allows for around 3 people per car, which we believe is more realistic than with 34 spaces where you'd have around 5 people per car.

Thus we hereby request a modification to the parking requirement 1-19.6.220A, for the increased number of parking spaces.

Sincerely,

  
Dustin M. Lavelle, Prof. L.S.  
Vice President

[dustin@lavellesurvey.com](mailto:dustin@lavellesurvey.com)





**LAVELLE** & ASSOCIATES,  
INCORPORATED  
SURVEYORS · PLANNERS · CONSULTANTS

August 21, 2017

Tim Goodfellow  
Division of Planning and Permitting  
Frederick County, MD  
30 North Market Street  
Frederick, MD 21701

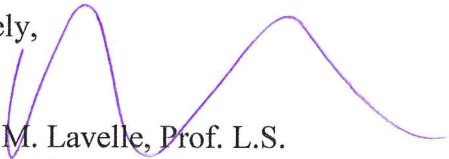
RE: **Tree Trekkers, (Project Number: 17205)**  
**Request for Landscape Modification**

Mr. Goodfellow,

The proposed design for Tree Trekkers Project calls for maintaining the existing forested to the greatest degree possible while still constructing and maintaining the new improvements. It is the intent of the owner to allow the forest to reclaim any areas used for grading to create as natural of an environment as possible.

Thus we hereby request a modification to the parking area landscaping requirement 1-19.6.400D, for utilizing existing Forested area as landscaping in lieu of adding additional landscaping.

Sincerely,



Dustin M. Lavelle, Prof. L.S.  
Vice President  
[dustin@lavellesurvey.com](mailto:dustin@lavellesurvey.com)





Modification Request  
Tree Trekker  
Old National Pike, Frederick, Maryland  
AP# 17207  
August 11, 2017

Tree Trekkers Frederick, LLC, is the contract purchaser and applicant of the referenced Plan Application, and hereby request a modification from the Forest Resource Ordinance for the removal of one (1) specimen tree on this property, as required by the Maryland Natural Resources, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with 1-21-21 of the Frederick County Code. The tree listed in this request is identified on the submitted Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and Forest Conservation Plan (FCP).

A. Background Information:

The property is located on the Northern side of Old National Pike, 1,740 West of Terra Firma Rd., Frederick County, MD. The 29.03 acre tract consists of a single parcel 016 with an existing driveway and culvert accessing residences located at 9602 Baltimore Road. The remainder of the site is forested. The property is zoned Agricultural. This 29.03 acre site consists of 3 forest stands that encompass the entire tract of land. The stands are dominated by Tulip Polar and contain Red Maple, Northern Red Oak, White Oak and associated forest species. A 100-year floodplain and wetlands are located in an area 0.51 acres along the southern border of the property. A perennial stream is also located to the south of the property with an existing culverted driveway crossing providing access to residences adjacent to the property. Understory species are somewhat sparsely detected throughout the forest.

B. Proposed Development:

The proposed project is an aerial adventure park featuring a state-of-the-art challenge course with creative thrill elements, such as broken bridges, wobble logs, and zip-lines. The course will incorporate team challenges as well as individual obstacles located in the understory and mid canopy of the existing trees. Generally, where the course is located, no grading or forest clearing will occur. Some selective tree removals may happen to facilitate the design of movement along the course. Natural surface paths with also be located in the course area to facilitate maintenance and access from trail termini. This area is approximately 9 acres.

Grading and clearing are required for the installation of a driveway, parking lot, septic fields, utilities, a storage building, an office building, restrooms and 3 pavilions. The actual area of disturbance for grading will be approximately 5.5 acres. The intention is to



leave the site in as natural state as possible as part of the experience of the challenge course.

C. Specific Specimen Trees 30" DBH and greater to be removed:

Tree No. ST28: Quercus alba - White Oak 30" DBH, good condition located within the limits of disturbance.

D. Justification Statement:

1. The special conditions peculiar to this property which would cause unwarranted hardship include the constraints of the areas available for providing adequate access and parking, building locations, the new septic system and utility requirements. Various options were reviewed for the location of initial and reserve septic fields, driveway alignment and parking configuration that take advantage of the best areas of the site to minimize disturbance in the stream valley buffer, wetlands buffer, and the forest. The facility alignment and locations meet the requirements for emergency access and provide a development that promotes the health, safety and welfare of the staff and public users. The proposed alignment is the best given current site conditions because it minimizes the impact on the existing forest and reduces that amount of grading that would be required to place the parking lot on steeper grades. In addition, the portion of the site proposed for the parking lot has the lowest stem count of all the existing forested area.
2. Enforcement of the rule to preserve all the specimen trees on the site will deprive the applicant rights commonly enjoyed by others in similar areas. As a recreational use permitted in this property zone, the applicant proposes to provide adequate facilities for a comfortable and safe experience for park visitors. If the one specimen tree must remain, more forest would be removed to provide parking on a steeper portion of the site and the parking would be located at a distance that is farther away from the program area with steeper pedestrian access.
3. The granting of the modification request will not confer to the applicant a special privilege that would be denied to other applicants. Requests similar to this one have been granted by the Frederick County Planning Commission in the past and therefore would deny this applicant a modification routinely granted other applicants.
4. The modification request is not based on condition or circumstances that are the result of any actions by the applicant. The location of this one tree to be removed is within the area of best use on the site for this particular part of the facilities requested by this application.

5. The modification request does not arise from a condition relating to an existing land or building use on the neighboring property. There are no known construction projects or plan applications on adjacent properties.
6. Granting this modification, in my professional opinion, will not violate State of Maryland water quality standards or cause measurable degradation of water quality.

For the above reasons, the applicant respectfully request that the Planning Board approve its request for this variance from the provision of Section 1-21 of the Frederick County Forest Resource Ordinance, and thereby , grants permission to impact or remove the specimen tree in order to allow the construction of is project.

The recommendations in this report are based on the conditions of the property on the date that the field work for the NRI/FSD was conducted. Site conditions are subject to change over time.

The information provided in this report is true and accurate to the best of my knowledge and experience. Conditions are based on my professional opinion and have not been influenced by any outside party.

Submitted by:  
PostModern Landscape Architecture, LLC



David B. Post, ASLA  
Registered Landscape Architect #615  
I.S.A Certified Arborist #MA-5220-A







## FREDERICK COUNTY GOVERNMENT

### DIVISION OF PLANNING & PERMITTING

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director

### ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

## Tree Trekkers

Site Plan #SP 17-01, APFO AP #17206

**In General:** The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Tree Trekkers (the "Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Tree Trekker Site Plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 28.86 +/- acre undeveloped parcel of land, which is zoned Agricultural, located between Old National Pike and Interstate Highway 70 and east of Terra Firma Road. This APFO approval will be for the development of an Outdoor Sports Recreational Facility, which is shown on the site plan for the above-referenced Project, and was conditionally approved by the Commission on September 13, 2017.

**Schools:** Schools are not impacted because this is a commercial development

**Water and Sewer:** Lot is to use well and septic. Water and sewer classifications are both "No Planned Service".

**Road Improvements:** Based on a capacity of thirty customers per hour, the project is expected to generate 10 am and 20 pm weekday peak hour driveway trips.

In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. Escrow Account No. 3936 for a signal and intersection reconstruction / relocation at the intersection of MD 144 and Linganore Road. The estimated cost of the improvement is \$800,000. The Developer's proportionate share of this Road Improvement is 1.20%. Therefore the Developer hereby agrees to pay \$9,600 to the escrow account for this Road Improvement.



2. Escrow Account No. 3937 for the construction of an I-70 westbound on-ramp at Meadow Road. The estimated cost of the improvement is \$3,000,000. The Developer's proportionate share of this Road Improvement is 0.07%. Therefore the Developer hereby agrees to pay \$2,100 to the escrow account for this Road Improvement.
3. Escrow Account No. 3938 for the construction of an I-70 eastbound off-ramp at Meadow Road. The estimated cost of the improvement is \$8,000,000. The Developer's proportionate share of this Road Improvement is 0.07%. Therefore the Developer hereby agrees to pay \$5,600 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$17,300 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on September 13, 2020.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**[Signatures Next Page]**

8-14-2017 Patricia M. Wolfgang

Exp 8/26/2021



Tree Trekkers Frederick, LLC:

By:  Date: 8-14-17  
Douglas Schweinhart, Owner

FREDERICK COUNTY PLANNING COMMISSION:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
William Hopwood, Chair or Robert White, Secretary

ATTEST:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date \_\_\_\_\_  
(Approved for technical content)

County Attorney's Office Initials / Date \_\_\_\_\_  
(Approved as to legal form)



